

Appl. No. 10/559860
Decl. dated March 9, 2009
Reply to Office action of Jan. 5, 2009

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450**

Appl No.: 10/559860
Applicant: Nilfuroshan, Ali
Filed: December 6, 2005
TC/A.U.: 3643
Examiner: Nguyen, Son T.

Confirmation No. 7437
Docket No.: 101663.0001US2
Customer No.: 24392

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. § 1.132 TO ESTABLISH COMMERCIAL SUCCESS

(1) The Office has rejected claims 61-68, and 70-74 as being obvious over the following cited references in various combinations: German Pat. No. DE 20021260U1 to Uhr, Japanese Pat. Appl. No. H08-287365 to Tadauchi, United Kingdom Pat. Appl. No. 2374535 to Wilson, U.S. Pat. No. 5271211 to Newman, U.S. Pat. No. 6443101 to Fazio, U.S. Pat. No. 5537954 to Beeghly, German Pat. Appl. No. DE 4140507A to Schulte, U.S. Pat. No. 233275 to Osborn, and U.S. Pat. Appl. No. 2003/0061790A1.

(2) The undersigned hereby declares that the therapeutic horse blanket of the present application has been purchased as a direct result of the functions, advantages, and claimed features of the inventive therapeutic horse blanket. Moreover, these purchases were not a result of Recover Blankets' heavy advertising, consumption by customers normally tied to the applicant, and/or other events extraneous to the merits of the claimed invention.

(3) The undersigned hereby declares that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that will false statements made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

By Mark Meyer
(Customer Name)

STATEMENT

I Mark Meyer, am a customer of Recover Blankets, LLC, the assignee of U.S. Patent Appl. Serial No. 10/559860.

I, the undersigned, Mark Meyer, hereby declare as follows:

1. I have purchased the ReCover horse blanket as shown in the attached picture.
2. I have been informed that the claims in the above-referenced application have been rejected based on various obviousness grounds. I believe that the rejection is inappropriate as follows:
3. When compared to other horse blankets in the market, the therapeutic horse blanket as shown in the picture below has the ability to therapeutically treat many different sized horses without having to purchase many different sized blankets. Among other things, [my/our] decision to purchase this device was driven by:
 - (a) Reason 1: Freely positional pockets that allow treatment of the horse ANYWHERE on the inside of the blanket. Unlike other types of treatment blankets on the market, the ReCover blanket does NOT have sewn in, predetermined pockets that dictate the areas of treatment. Rather, the ReCover blanket allows for the specific placement of pouches containing the cold/heat pack any place inside the blanket by way of hook and loop.
 - (b) Reason 2: Pouches that allow for various sizes of cold/heat packs to be inserted for treatment.
 - (c) Reason 3: leg flap having the ability to wrap around and position the heat/cold pack for isolated treatment of the stifle joint of the horse.

The features mentioned above, made for a therapeutic horse blanket having remarkable advantages over existing horse blankets, and the features described above resulted in [my/our] purchase of Recover Blankets, LLCs' therapeutic horse blanket, rather than as a result of Recover Blankets' advertising and marketing efforts.

4. I hereby declare that all statements made herein of my own knowledge are true and that statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, Section 1001, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

COUNTY OF

Executed at RIVERSIDE, this 2nd day of June, 09.

By:

(Customer Name)

Mark J. MEYER

Respectfully submitted,

Fish & Associates, PC

Dated: June 5, 2009

By:

Josh L. Emory, Esq.
Reg. No. 60,215

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